IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Writ Petition No. 456 of 2007 (M/S)

Sri Chandra Mohan S/O Sri Girdhari, R/O Jatia Mohalla, Dehradun, District Dehradun.

....Petitioner.

Versus

1. Civil Judge (Senior Division) Dehradun.
2. Sri Paramjeet S/O Sri Santok Singh, R/O 112 Nalapani Road, Dehradun.
3. Smt. Sushila Devi W/O Sri Chamanlal, R/O 21/22 Old Survey Road, Dehradun.
4. Rajkumar S/O Sri Kishan Lal, R/O Choota Pauwala, Clementown Dehradun, District Dehradun.

…..Respondents.

Sri Lokendra Dobhal, learned counsel for the petitioner.
Sri Gopal Narain Srivastava, Brief Holder for the State, learned counsel for the respondent no.1.

Dated May 18, 2007.

Hon'ble B.S.Verma, J.

The only prayer made in this writ petition is that the respondent no. 1 be directed to decide the Original Suit No. 555 of 2004 Chandra Mohan Vs. Paramjeet and others pending in that court expeditiously, with the allegations that the petitioner filed the suit for a decree of permanent injunction against the respondent nos. 2 to 4 on 15-10-2004. Along with the suit, an application for temporary injunction (paper no. 6-C2) under Order 39, Rules 1 and 2 C.P.C. Trial court issued notices to the defendants, who filed their written statement in the suit. According to the petitioner, the defendant-respondents are not interested in speedy decision of the suit and they want to prolong the litigation. A copy of the entire order-sheet of Original Suit NO. 555 of 2004 has been filed as Annexure No.3. It has been stated that the prolong litigation may frustrate the very purpose of the suit.

In the facts and circumstances, without entering into the merits of the case, it will be in the fitness of things to direct the trial court to decide the suit expeditiously.

The Civil Judge (Senior Division) Dehradun is directed to decide the Original Suit No 555 of 2004, Chandra Mohan Vs. Paramjeet and others on merit in accordance with law expeditiously as far as possible. Both the parties shall co-operate in the speedy decision of the suit before the trial court.

With the above direction, the writ petition is disposed of finally.

All applications stand disposed of.

(B.S. Verma, J.)

RCP